

Evidence Facts Conclusively Established [ECF No. 255] (collectively, the “Motion”), to be held in the above-referenced matter, set for **Friday, February 14, 2025, at 10:00 a.m.**

WITNESSES

Trustee may call the following witnesses to testify at any hearing on the Motion, whether in person or by affidavit, declaration or proffer:

Ex. No.	Description
1.	Any witnesses called or designated by any other party; and
2.	Any witnesses necessary to rebut or impeach the testimony of any witness called or designated by another party.

Trustee reserves the right to amend and supplement this witness list.

EXHIBITS

Trustee may offer into evidence any one or more of the following exhibits¹ at the hearing on the Motion:

Ex. No.	Description
1.	Trustee’s Motion to Amend Complaint to Conform to Evidence Facts Conclusively Established [ECF No. 249]
2.	Chapter 7 Trustee’s Amended Motion to Amend Complaint to Conform to Evidence Facts Conclusively Established [ECF No. 255]
3.	Redline of Second Amended Complaint, Exhibit A to Amended Motion to Amend Complaint [ECF No. 255-1]
4.	2019.02.14 Email from A. Kantowitz via DocuSign to J. Zutter, Exhibit B to Amended Motion to Amend Complaint [ECF No. 255-2]
5.	Excerpts from Deposition of Jeffrey James Vanderbilt, Jr. (Nov. 11, 2024), Exhibit C to Amended Motion to Amend Complaint [ECF No. 255-3]

¹ Each exhibit listed includes any attachments or exhibits thereto, unless otherwise noted herein.
CHAPTER 7 TRUSTEE’S WITNESS AND EXHIBIT LIST

6.	Proposed Order Granting Chapter 7 Trustee's Amended Motion to Amend Complaint, Exhibit D to Amended Motion to Amend Complaint [ECF No. 255-4]
	Any exhibit identified or offered by any other party.
	Any rebuttal exhibit.
	Any exhibit necessary for impeachment purposes.

RESERVATION OF RIGHTS

The foregoing witness and exhibit list is being submitted based on information reasonably available to Trustee at this time and without waiving any objection as to relevance, materiality, or admissibility of evidence in this litigation. Trustee reserves the right to ask the Court to take judicial notice of pleadings, transcripts, and/or other documents, and to supplement or amend this Witness and Exhibit List at any time before any hearing held on the Motion.

Dated: February 13, 2025

Respectfully submitted,

/s/ Katharine Battaia Clark

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CHAPTER 7 TRUSTEE, DEBTORS' ESTATE

CERTIFICATE OF SERVICE

I hereby certify that, on February 13, 2025, a true and correct copy of the foregoing document was served to the below listed parties via electronic means as listed on the Court's ECF noticing system or by electronic mail.

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